

Appl. No.: 10/511,188
Atty Docket No.: 007516.00001
Response dated April 29, 2009
Reply to Office Action of January 29, 2009

Amendments to the Drawings:

The attached sheets of drawings are replacement sheets for the original sheets containing Figures 1, 2, 4-14. The replacement versions of Figures 1, 2, and 4-12 include descriptive text labels. The replacement version of Figures 13 and 14 correct the misspelling of hexadecimal.

Appendix Attachment: Replacement Sheets

REMARKS/ARGUMENTS

The Office Action of January 29, 2009, has been carefully reviewed and these remarks are responsive thereto. Claims 3 and 4 have been canceled in the present paper. Claims 1, 2, and 5-30 remain in this application. No new matter has been added. Reconsideration and allowance of the instant application are respectfully requested.

As a preliminary matter, Applicant has amended a number of the claims to remove the reference signals/numbers that referred to illustrative, non-limiting embodiments described in the specification.

Telephone Interview

The undersigned would like to thank Examiner Oh for the courtesies extended during a telephone interview on April 22, 2009. Pursuant to MPEP § 713.04, the below remarks include Applicant's substance of interview.

Objections to the Specification

The Abstract has been amended so as to present the subject matter of the application in a more preferred form. In particular, pursuant to MPEP § 608.01(b), the amended Abstract includes an explanation of the organization and operation of the architecture described in the application, and the process steps associated therewith. In view of the amended Abstract, Applicant respectfully requests withdrawal of the objection.

Objections to the Claims

The Office Action at page 3 objected to the claims based on informalities. Applicant has amended the claims referenced therein, as well as additional claims, to correct informalities. Applicant requests withdrawal of the objection.

Objections to the Drawings

The drawings are objected to because Figures 1, 2, and 4-12 require descriptive labels. Figures 13 and 14 had hexadecimal misspelled as "Exadecimal". Corrected drawing sheets in

compliance with 37 CFR 1.121(d) have been submitted herewith. Applicant requests withdrawal of the objection.

Rejections Under 35 U.S.C. § 101

Claim 30 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and in particular, as being directed to a software module comprising software code. This rejection is traversed.

As discussed during the interview, and consistent with the recommendations in the Office Action at page 5, amended claim 30 is directed to a computer-readable medium (storing instructions) that performs a series of steps when (the instructions are) executed by a processor. The series of steps are similar to the features recited in claim 1. Illustrative, non-limiting written description support for the computer-readable medium and processor may be found in the filed specification when read as a whole, and for example, at page 7, lines 8-16.

Claims 1, 2, and 5-28 stand rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. This rejection is traversed.

Independent claim 1 is directed to a method managing a management activity of at least one managed object by at least one manager object through a communication network. Independent claim 1 recites “providing at least one intermediate object configured to manage said at least one managed object according to a data set, *said management activity being transformed into a set of results.*” As discussed during the interview, Applicant respectfully disagrees with the section 101 rejection of claim 1 because independent claim 1 affirmatively satisfies at least the transformation prong of *Bilski*¹ discussed at pages 5-6 of the Office Action, as a result of the transformation of management activity into a set of results. As discussed during the interview, an activity (e.g., management) is transformed into a set of results, and the results are transferred from an at least one intermediate object to an at least one manager object as recited in claim 1.

Furthermore, amended claim 1 recites “wherein the management of said at least one further managed object and said at least one managed object occurs through a single

¹ *In re Bilski*, 88 USPQ2d 1385, 1391 (Fed. Cir. 2008).

communication network.” As such, and as discussed during the interview, the management activity of claim 1 is tied to a structure, e.g., a (single communication) network.

Accordingly, claim 1 is statutory for at least the foregoing reasons.

Claims 2 and 5-28 depend from claim 1, and are statutory for at least the same reasons as claim 1.

Applicant respectfully requests withdrawal of the section 101 rejections in view of the foregoing remarks.

Rejections Under 35 U.S.C. § 112

Claims 1, 2, and 5-28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. This rejection is traversed.

Applicant has amended claim 1 such that the “data set” recited therein has proper antecedent basis.

Regarding claim 15, Applicant has deleted/removed the phrase “such as zLib” from the recited features.

Regarding claim 23, Applicant has amended the phrase “the original file size” to instead recite “an original file size” in relation to the recited message.

As agreed to during the interview, the amendments to the referenced claims overcome the section 112, second paragraph rejections. As such, Applicant requests withdrawal of the rejections.

Rejections Based on Applied Reference(s)

Claims 1, 29, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. pat. no. 5,651,006 to Fujino et al. (“Fujino”). Claims 2, 5, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino in view of U.S. pat. no. 5,438,614 to Rozman et al. (“Rozman”). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, and further in view of U.S. pat. no. 6,639,893 to Chikenji et al. (“Chikenji”). Claims 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

Fujino, in view of Rozman, and further in view of U.S. pat. no. 6,044,468 to Osmond ("Osmond"). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Osmond and Rozman, and further in view of U.S. pat. no. 6,519,635 to Champlin et al. ("Champlin"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Osmond, Rozman, and Champlin, and further in view of U.S. pat. no. 6,032,197 to Birdwell et al. ("Birdwell"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Osmond, Rozman, and Champlin, and further in view of U.S. pat. no. 6,236,341 to Dorward et al. ("Dorward"). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, and further in view of Birdwell. Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, Osmond, and Champlin, and further in view of U.S. pat. no. 6,539,540 to Noy et al. ("Noy"). Claims 21, 22, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, Osmond, and Champlin, and further in view of U.S. pub. no. 2002/0052946 to Yoshino ("Yoshino"). Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, Osmond, Champlin, and Yoshino, and further in view of U.S. pub. no. 2001/0044822 to Nishio ("Nishio"), Noy, U.S. pat. no. 6,421,425 to Bossi et al. ("Bossi"), and U.S. pub. no. 2002/0029228 to Rodriguez et al. ("Rodriguez"). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, in view of Rozman, Osmond, Champlin, and Yoshino, and further in view of U.S. pub. no. 2002/0188708 to Takahashi et al. ("Takahashi"). These rejections are traversed.

Amended independent claim 1 recites features related to managing at least one further managed object directly through at least one manager object, and managing the at least one managed object by the at least one manager object via an intermediate object, wherein the management of the at least one further managed object and the at least one managed object occurs through a single communication network.

The above-noted features recited in amended claim 1 are similar to features previously recited in (now-canceled) claims 3 and 4. In the context of rejecting claim 4, the Office Action at page 9 relied on Fujino at Figures 1 and 3 as allegedly disclosing features related to managing

at least one further managed object and at least one managed object through a single communication network. Even assuming (without admitting) that Fujino's integration manager 50's role over agents 20-1 and 20-2 can appropriately be analogized to managing at least one further managed object directly through at least one manager object, and that Fujino's sub-manager(s') 10 role over agents (20a, 20b, 20c) can appropriately be analogized to managing the at least one managed object by the at least one manager object via an intermediate object, Fujino teaches away from the management of agents 20-1/20-2 and agents 20a/20b/20c occurring through a single communication network as recited in amended claim 1. Instead, and as discussed during the interview, Fujino describes such alleged management taking place via a plurality of communication networks (e.g., LANs 1-3 and WAN 4).² As such, claim 1 is allowable over Fujino. Furthermore, the additional references of record fail to remedy the deficiencies of Fujino described above (notwithstanding whether any such combination of references is proper). As such, claim 1 is allowable for at least the foregoing reasons.

Claims 29 and 30 are allowable for reasons substantially similar to those described above with respect to claim 1.

Claims 2 and 5-28 are allowable for at least the same reasons as their respective base claims, as the additional references of record fail to remedy the deficiencies of Fujino described above (notwithstanding whether any such combination of references is proper). Claims 2 and 5-28 are further allowable in view of the features recited therein.

For example, claim 14 recites "wherein said compression operation is based on the acknowledgment of a sequence which appears periodically in the message." The Office Action at page 15 correctly indicates that Fujino, Osmond, and Champlin fail to describe features related to a compression operation based on an acknowledgment of a sequence which appears periodically in a message. The Office Action contends that Birdwell remedies the deficiencies of Fujino, Osmond, and Champlin with respect to claim 14. In particular, the Office Action cites to

² As discussed during the interview, this interpretation of Fujino is consistent with the Office's interpretation of LANs 1-3 and WAN 4 described in Fujino. See the Office Action at page 10, in the context of rejecting claim 5 (analogizing Fujino's LAN3 to a recited first communication network (RP), and analogizing Fujino's LAN1 and LAN2 to a second communication network (RA)).

Birdwell at Figure 4 and Figure 5 (56), and contends that the compression indicator is periodic in that it appears in each message received.

As discussed during the interview, Applicant respectfully disagrees with the Office's interpretation of Birdwell in relation to the recited features. More specifically, the features recited in claim 14 relate to a compression operation based on an acknowledgment of a sequence which appears periodically in a message. Compression indicator 56 in Birdwell merely indicates whether a data packet is a full-length data packet or a reduced-length data packet. See Birdwell at col. 6, lines 3-9. Indicating the status of a data packet as full-length or reduced does not teach or suggest basing a compression operation on an acknowledgment of a sequence which appears periodically in a message. Moreover, the features of claim 14 relate to acknowledging the periodic sequence with respect to *the* message (e.g., a single message), and not across multiple (e.g., each) messages as contended in the Office Action at page 15.

During the interview, the Examiner contended that multiple data packets of Birdwell (each with a compression indicator 56) could broadly be analogized to a (single) message as recited in claim 14 when the multiple data packets of Birdwell are taken as a whole. Even assuming (without admitting) that such an analogy is proper, such an analogy fails to teach or suggest the features recited in claim 14 because the features of claim 14 relate to a compression operation based on an acknowledgment of a sequence which appears periodically in the message. Any alleged periodic sequence that may result from the setting/clearing of compression indicators 56 with respect to each of the data packets occurs after any compression operation has already taken place in Birdwell. Accordingly, in Birdwell, the compression operation is not based on an acknowledgment of a sequence which appears periodically in the message because in Birdwell any such alleged periodicity is established after the compression has taken place. Thus, Birdwell fails to remedy the deficiencies of Fujino, Osmond, and Champlin. As such, claim 14 is further allowable for at least the foregoing reasons.

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CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Mark E. Wilinski/
Mark E. Wilinski
Registration No. 63,230

1100 13th Street, N.W., Suite 1200
Washington, D.C. 20005-4051
Tel: (202) 824-3000
Fax: (202) 824-3001

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